

**REMARKS**

**I. STATUS OF THE CLAIMS**

In the July 13, 2005 Office Action (hereafter "Office Action"), the Examiner noted that claims 3-7, 16-20 and 29-33 were pending in the application. The Examiner rejected claims 3-7, 16-20, and 29-33 citing U.S. Patent Application Number 2002/0062244 to Brady et al. (Brady) in view of U.S. Patent Application Number 2002/0026348 to Fowler et al. (Fowler). The Examiner's rejections are traversed below.

**II. REJECTIONS UNDER 35 U.S.C. § 101**

In item 4 on page 2 of the Office Action, the Examiner rejected claims 16-20 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 16-20 are amended herein to further clarify the invention and to overcome the rejection. Therefore, it respectfully submitted the rejection is overcome.

**III. REJECTIONS UNDER 35 U.S.C. 103**

In item 6 on page 4 of the Office Action, the Examiner rejected claims 3-7, 16-20 and 29-33 under 35 U.S.C. §103(a) as being unpatentable over Brady in view of Fowler. The rejections are respectfully traversed.

Claims 3, 16, and 29 recite similar features that are not taught or suggested by Brady and Fowler. In rejecting claims 3, 16, and 29, the Examiner asserted that paragraph 47 of Brady teaches "processing data in which a paired series of at least place information and information about the place, provided to a user are described according to a prescribed specification" The Applicant disagrees. Brady simply discloses associating campaign information to a location. For example, the cited passage states

Program Memory also contains Location Manager Interface, ... and information received from Location Manager, located in Central Server, to define the locations that will participate in campaigns, the capabilities of those locations, the limits on what kind of campaigns that will be hosted at each location, and the demographics of the locations.

There is no suggestion in this passage of "a paired series of at least place information and information about the place" or that such data "are described according to a prescribed specification" as recited in claim 3.

Furthermore, the Examiner correctly stated that Brady does not teach "a fee collection unit collecting a fee from a facility". Therefore, the Examiner relied on Fowler as disclosing a "merchant paying a participating fee to the market program administrator... (see paragraph 0042 of the Fowler specification)." However, Fowler also fails to disclose, "behavior data fee collection" as recited in claim 3. Therefore, Fowler does not cure the deficiencies of Brady. The cited paragraph (0042) relates to "a merchant participation fee" which "may be a flat fee per transaction ... , or the fee may accrue as a percentage of transaction value" or whether this is a first or subsequent purchase by a particular customer. There is no suggestion in Fowler of "collecting a fee from a facility ... based on at least one fee setting method for a service of providing routes to a user" as recited in claim 3.

Since claims 16 and 19 recite limitations similar to those recited in claim 3, it is respectfully submitted that the comments apply to at least claims 16 and 29 as well. In view of the comments and remarks, withdrawal of the rejection and allowance of claims 3, 16 and 29 is respectfully requested.

**Claims 4, 17, and 30** of the present invention recite similar features that describe a different invention than those disclosed by Brady and Fowler. Like claim 3, claim 4 recites "a paired series of at least place information and information about the place" or that such data "are described according to a prescribed specification". In addition, while claim 3 recited collecting a fee "based on at least one fee setting method for a service of providing routes to a user", claim 4, recites "calculating a fee ... based on at least one fee setting method for a service of providing routes to a user". Thus, for reasons similar to those discussed above with respect to claim 3, claim 4 and claims 17 and 20 which recite similar limitations, patentably distinguish over Brady and Fowler.

Furthermore, neither Brady or Fowler discloses or suggests "a behavior data generation unit totaling information from obtained place data as behavior data" where after totaling in this manner, the data is used for "calculating a fee of the behavior data" as recited in claim 4. Although the word "behavior" is used in paragraph [0042] of Fowler, it is used in the context of "qualifying behavior, such as a customer purchase" and the only suggestion that the behavior of the customer affects the fee calculation is whether and how often a purchase is made. This is done on an individual basis for each qualifying purchase and thus if the data was totaled first, as recited in claim 4, the method taught by Fowler could not be applied. Therefore, claim 4 and claims 17 and 30 which recite similar limitations patentably distinguish over Brady and Fowler.

**Claims 5, 18, and 31** of the present invention recite similar features that describe a different invention than those disclosed by Brady and Fowler. Claim 5 has been amended to recite "a registration unit storing a user selected route" while claims 18 and 31 recite "selecting a route by a user" and neither is taught or suggested by either reference. Accordingly, the manner of registrations are different between the present invention and the cited references.

Again, the Examiner relied on Fowler to disclose a "registration fee calculation unit calculating a registration fee". However, Fowler fails to disclose "calculating a registration fee when the data are registered" as recited in claim 5. Therefore, Fowler does not cure the deficiencies of Brady acknowledged by the Examiner.

Furthermore, neither Brady nor Fowler include any suggestion of "registering facility data along the user selected route" as recited in claims 5, 18 and 31. Therefore, it is submitted that claims 5, 18 and 31 patentably distinguish over the cited references.

**Claims 6, 7, 19, 20, 32 and 33** recite similar features that describe a different invention than those disclosed by Brady and Fowler. Like claim 3, these claims recite "a paired series of at least place information and information about the place" or that such data "are described according to a prescribed specification". Therefore, it is submitted that claims 6, 19, and 32 patentably distinguish over Brady and Fowler for the reasons discussed above with respect to claim 3 related to this limitation.

The Examiner correctly stated Brady does not explicitly disclose a registration fee calculation unit. Therefore, the Examiner again relied upon Fowler. However, Fowler does not teach or suggest "charging a fee against each facility along a route selected by the user" as recited in amended claims 6, 7, 19, 20, 32 and 30. As discussed above, there is no mention of "a route selected by a user" in either reference. Therefore, there is no suggestion of calculating a fee based upon a route and Fowler does not cure the deficiencies of Brady. Thus, these claims further patentably distinguish over Brady and Fowler for this additional reason.

#### IV. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8(a)

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on Oct. 13, 2005

STAAS & HALSEY

By: John L. Bannister

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